

110763

DECISION



11911

PL-11
Mr. FeldmanTHE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

FILE: B-196516

DATE: November 2, 1979

MATTER OF: Integrity Services

DIGEST:


Although protester (incumbent contractor) is not solicited, resolicitation is not required where, as here, a significant effort is made to obtain competition, bid prices are reasonable, and there is no deliberate attempt to exclude protester from competition.

Integrity Services (Integrity) protests the award of any contract for janitorial services at the Hiram M. Chittenden Locks, Lake Washington under invitation for bids (IFB) DACW67-79-B-0054, issued by the Corps of Engineers (Corps). Integrity, the incumbent contractor, objects to this procurement because it allegedly did not receive a copy of the IFB and therefore did not have an opportunity to submit a bid. Integrity requests that the Corps cancel the solicitation and resolicit the procurement. Integrity also suggests that the Government should mail solicitations by registered or certified mail.

It has consistently been our position that unless there is evidence of a conscious or deliberate effort to exclude a bidder from participating in the competition, we will not require a procuring agency to resolicit bids if the agency makes a significant effort to obtain competition and will award a contract at a reasonable price. North Alabama Reporting Service, B-193979, April 11, 1979, 79-1 CPD 255. This rule applies even if the incumbent contractor does not receive a copy of the IFB. Wichita Beverage, Inc., d/b/a Pepsi-Cola and Seven-Up Bottling Company, B-191205, July 6, 1978, 78-1 CPD 11.

We understand that 50 firms were solicited, seven bids were received, and a bid was sent to Integrity at its last known address in Alaska which was not returned by the Postal Service. We further understand that the Government estimate for this procurement was \$20,000; the three lowest bids were \$15,434, \$17,718 and \$19,629.39. Thus, it appears the agency made a significant effort to obtain competition and we have no reason to question the reasonableness of the bid prices received. Since there is no evidence that the Corps deliberately excluded Integrity from the competition, there is no basis for this Office to preclude the Corps from awarding the contract on the original solicitation. Moreover, we point out that the Defense Acquisition Regulation does not require that solicitations be sent by certified or registered mail.

The protest is summarily denied. In light of our disposition of this matter, we believe that no useful purpose would be served by holding a conference as requested by the protester.


Deputy Comptroller General
of the United States